



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

VIA HAND DELIVERY

September 18, 2017

Attorney General Brad Schimel
Wisconsin Department of Justice
17 West Main Street
P.O. Box 7857
Madison, WI 53703

RE: Department of Justice's Handling of Sexual Assault Kit Backlog

Dear Attorney General Brad Schimel:

We are writing to you today with regard to the latest incident in what has become a troubling pattern of conduct by the Department of Justice (DOJ) vis-à-vis Wisconsin's sexual assault kit backlog. We recently became aware of comments made by DOJ's spokesperson, Johnny Koremenos, who, in discussing delays in DNA testing at Wisconsin state crime labs, called the definition of 'backlog' "subjective."

Mr. Koremenos' comment was disconcerting to say the least, highlighting the DOJ's continued lack of urgency, sensitivity, and diligence in addressing Wisconsin's sexual assault kit backlog, and revealing a lot about your department's paradigm for sexual assault kit testing in that you apparently believe the number of untested kits in Wisconsin is subject to interpretation, influenced, or dependent on perception.

We would counter, though, that numbers are not abstract or conceptual; numbers are, by definition, concrete in nature. Indeed, a number is only subjective if a person is being forced to speculate. Unlike your spokesman's assertion, asking the exact number of untested sexual assault kits in Wisconsin should not prompt DOJ's subjective speculation or interpretation—to the contrary, if DOJ is accurately and diligently tracking sexual assault kit testing in Wisconsin, this question should prompt a concrete, tangible answer. It is clear DOJ continues to struggle with this notion, which has no doubt contributed to the inaccurate, wildly-fluctuating responses it has provided to questions relating to Wisconsin's sexual assault kit backlog, and why DOJ has, to date, provided no real, clear-cut answers to this question.


In light of this, we would like to again—for the third time—give your department the opportunity to leave nothing to subjective conjecture, but to answer questions about the sexual assault kit backlog in Wisconsin with accurate, concrete data your department is expected to collect and track. We respectfully request an acknowledgement of this letter, and a *written* response from you and your department addressing the following inquiries:


- The actual number of untested kits currently in Wisconsin's inventory;
- The actual number of kits that DOJ has tested thus far;

- The actual number of kits that have been designated for testing but that have not yet been tested;
- Of the actual number of kits that have not been designated for testing, the reason those kits will not be tested, and the percentage breakdown for each reason;
- The actual number of untested kits that have been sent to private and state labs, respectively, for testing.

We believe answers to these inquiries are the very least your department could provide to demonstrate its commitment to sexual assault survivors in Wisconsin who deserve to be treated with respect and dignity. We appreciate your attention to this matter of statewide importance, and will look forward to receiving your prompt response to this correspondence by close of business on Monday, September 25, 2017.

Respectfully,


Representative Melissa Sargent
48th Assembly District


Representative Chris Taylor
76th Assembly District